

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

GREAT DANE LIMITED PARTNERSHIP,)
)
Plaintiff,)
)
v.) Civil Case No. 3:08-CV-089
)
)
STOUGHTON TRAILERS, LLC AND)
NEWCOURT, INC.,)
)
Defendants.)

**STOUGHTON TRAILERS, LLC'S RESPONSE TO
PLAINTIFF'S MOTION TO RE-OPEN CASE**

Defendant Stoughton Trailers, LLC (“Stoughton”) hereby responds to Great Dane Limited Partnership’s (“Great Dane”) Motion to Re-Open Case.

This patent litigation concerns 200 trailers manufactured by Stoughton for UPS in the summer of 2008. The panels of the accused trailers were provided by Newcourt, Inc. and plaintiff Great Dane Limited partnership named both as defendants. Newcourt filed for bankruptcy, causing the subsequent stay of this matter.

Stoughton agrees with Great Dane that this Court has the discretion to reopen this matter as to Stoughton, but notes that reopening a stay is not mandatory and that this Court may and should keep the stay in place

Because the *status quo* as to all matters relating to this litigation will not change during the pendency of the stay, absolutely no harm to Great Dane can result from a stay. Stoughton does not currently use the accused design and agrees not to use the accused design during the entire pendency of the stay. Moreover, Great Dane has stated that it is not seeking damages in

this litigation. Thus even if Great Dane ultimately prevails, a stay does not deprive Great Dane of any money.

It is clear from Great Dane's submission that Newcourt's participation in this matter, either as a party (Great Dane named Newcourt after all), or as a witness is significant. To prevent issues arising from the bankruptcy proceeding affecting full participation in the lawsuit by Newcourt, and the piecemeal litigation that may result a stay until those matters are resolved would aid the efficiency of litigation.

Because (1) Great Dane cannot conceivably suffer any injury during the pendency of the stay; (2) Stoughton agrees not to manufacture the accused product during the pendency of the stay, and (3) litigation will be more efficient once the issues relating to the Newcourt bankruptcy proceedings are resolved, Stoughton respectfully requests that this Court continue the stay.

Dated this 26th day of April, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on 26th day of April, 2010, I caused to be served a copy of the within and foregoing **STOUGHTON TRAILERS, LLC'S RESPONSE TO PLAINTIFF'S MOTION TO RE-OPEN CASE** by electronic mail to the following individuals:

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